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Preliminary Draft  
CHARTER AMENDMENT  
CITY PLANNING

November 1946

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CITY AND COUNTY OF SAN FRANCISCO  
CITY PLANNING COMMISSION

MICHEL D. WEILL, *President*  
GARDNER A. DAILEY, *Vice-President*  
MRS. CHARLES B. PORTER  
J. JOSEPH SULLIVAN  
JAMES J. WALSH

L. DEMING TILTON,  
*Director of Planning*  
J. ROGER DEAS,  
*Secretary to the Commission*  
Room 252, City Hall  
San Francisco 2, California

November 1, 1946

TO WHOM IT MAY CONCERN:

Attached hereto is a preliminary draft of a proposed amendment to the present provisions of the Charter pertaining to the City Planning Commission.

This draft has been prepared at the request of the City Planning Commission by the staff and is being distributed in its present form for the purpose of enabling careful consideration by interested agencies and groups prior to final review and adoption by the Commission itself. You are respectfully invited to comment on the proposals. The Acting Director of Planning will be available for discussion at your convenience.

If necessary, the Commission will hold hearings before a final set of proposals is adopted. As you know, the Judiciary Committee of the Board of Supervisors at the present time is considering proposals on this subject put forward by the Junior Chamber of Commerce. Our own proposals are, of course, similar in many respects to those of the Junior Chamber of Commerce, although they are based primarily on a study of this subject made by the Commission in 1944.

Your interest in this matter and prompt action on your part will be greatly appreciated.

Very truly yours,

*Michel D. Weill*

Michel D. Weill  
President

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CITY AND COUNTY OF SAN FRANCISCO

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MEMORANDUM FOR THE SECRETARY OF DEFENSE

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SUBJECT: [Illegible]

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# P r e l i m i n a r y   D r a f t

## CHARTER AMENDMENT - CITY PLANNING

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by amending sections 115, 116, 117 and 118 thereof, and by adding thereto new sections to be designated 116.1, 116.2, 117.1, ~~117.2~~ and 117.3, relating to city planning.

### City Planning Department Established

SECTION 115. There is hereby established a city planning department which shall consist of a planning commission, a director of planning and such employees as may be necessary to carry out the functions and duties of said department. The city planning commission shall consist of seven members, five of whom shall be appointed by the mayor. The chief administrative officer and the manager of utilities, or their designated deputies, shall be members ex officio.

### Terms of Members

The terms of appointive members of the commission shall expire one each at twelve o'clock noon on the 15th day of January in the years 1947, 1949 and 1950 and two at said time in the year 1948. Thereafter, the term of each appointive member shall be four years. Present appointees shall continue in office without change of incumbency for the existing terms thereof. The mayor shall fill all vacancies in office of appointive members of the commission occurring either during or at the expiration of terms.

### Present Commission Continued

Neither the foregoing provision for addition of members to the commission, nor the addition thereof, nor any change herein provided in the powers and duties of the commission shall be deemed to

The following information was obtained from the records of the Department of the Interior, Bureau of Land Management, for the period 1900 to 1909, inclusive, and is published for the information of the public.

LAND ACQUIRED BY THE UNITED STATES

The following table shows the land acquired by the United States during the period 1900 to 1909, inclusive, and is published for the information of the public.

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affect the continuity of the existence of the commission as such or the status of any matter pending before it. All recorded actions of the commission shall remain in force and effect unless and until changed by ordinance or by other legal means.

#### Compensation

The members of the commission shall serve without compensation.

#### Director of Planning

SECTION 116. The planning commission shall appoint a director of planning who shall hold office at its pleasure and who shall be a person of adequate technical training and administrative experience in city planning. The director of planning shall be the administrative head and appointing officer of the planning department. The position of director of planning shall not be subject to any provisions of this charter prescribing a residence qualification for officers or appointees, provided, however, that during his incumbency the appointee to the position shall reside in the city and county. Subject to the provisions of section 86 of the charter, the commission may also contract with architects, city planners, engineers, or other consultants for such services as it may require.

#### The Master Plan

It shall be the function and duty of the commission to adopt and maintain, including necessary changes therein, a comprehensive, long-term, general plan for the improvement and future development of the city and county, to be known as the master plan. The master plan, including maps, plans, charts, exhibits, and descriptive matter, shall constitute the recommendation of the commission for the coordinated and harmonious development, in accordance with present and future needs, of the city and county and of any land





outside the boundaries thereof which in the opinion of the commission bears a relation thereto.

To Show Public Ways, Land, and Buildings

The master plan shall show the general location, character and extent of existing and proposed public ways, grounds and open spaces and the general location of major buildings, structures and facilities constructed thereon or proposed, and may include among other things, freeways, highways, streets, alleys, boulevards, parkways, waterways, airports and other public ways; parks, playgrounds, squares and sites for public buildings and structures; the general location and extent of routes and rights of way for public utilities and services, whether publicly or privately operated; proposed sites and general plans for public housing and for the rehabilitation and redevelopment of slums and blighted areas. It may include proposals for the acquisition, extension, widening, narrowing, removal, relocation, vacating or abandonment of any of the foregoing ways, open spaces or buildings.

Recommendations as to Private Land Uses, Etc.

The master plan shall also include a land use plan, showing the proposed general distribution and the general location and extent of housing, business, industry, recreation, education and other categories of public and private uses of land. It may include, among other things, recommended standards for the regulation of the process of land subdivision; for the regulation of the uses of land and the height, area, bulk and uses of public and private buildings and structures; for the regulation of traffic and the parking of vehicles; and provisions for the promotion of safety from fire and other dangers, of the healthful and convenient distribution of popu-



lation, of good civic design and arrangement, of the efficient expenditure of public funds and of adequate provision for public utilities and other public requirements.

#### Procedure for Amendment

Before the commission may adopt any substantial extension of the master plan adopted prior to the passage of this amendment or any substantial amendment or addition thereto, which in the judgment of the commission constitutes a major alteration in the plan, it shall hold at least one public hearing thereon, notice of the time and place of which shall be given by at least one publication in a newspaper of general circulation in the city and county at least ten (10) days before the day of hearing. Adoption of the master plan or portions thereof or amendments, extensions or additions thereto shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the commission. Such resolutions shall refer expressly to the reports, plans or description and other matter intended to form the whole or part of the plan, and the action taken shall be recorded on such documents and an attested copy thereof shall be certified to the mayor and board of supervisors.

#### Additional Powers and Duties

In the preparation of such plans, the commission is authorized to make or cause to be made such investigations, studies, maps, charts, exhibits, and reports as may be required. It may make such reports and recommendations to the mayor, the board of supervisors, and other officers and agencies as it may deem necessary to secure understanding and the systematic execution of the master plan. The commission shall have the power to promote public interest in and



understanding of the master plan and may publish and distribute copies of the plan or of any report and may employ such other means of publicity and education as it may deem to be in the public interest.

The commission shall act in an advisory capacity to the board of supervisors and other departments, commissions and agencies of the city and county in all matters affecting the physical improvement and future development of the city and county. All public officials shall upon request furnish to the city planning department such information as it may require for its work and the department shall furnish to all departments and officials of the city and county such information as said departments and officials may require concerning the master plan. In general, the commission shall have such powers as may be necessary to enable it to fulfill its functions.

Referral - Annual Capital Improvement Program

SECTION 116.1. Each officer, board and commission of the city and county shall submit annually on or before the first day of September to the planning commission a detailed estimate of all capital improvement projects related to or substantially affecting the master plan to be proposed for inclusion in the budget for the ensuing <sup>fiscal</sup> year or proposed to be carried out by means of a bond issue, the expenditure of grants-in-aid, or other capital funds; and a preliminary estimate of all such capital improvement projects which in the opinion of such officer, board or commission should be undertaken within the five succeeding years. Each year on or before the first day of December the planning commission shall prepare and submit to the mayor, board of supervisors, and the controller a capital improvement program for the ensuing fiscal year, and a tentative capital improve-

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ment program for the five succeeding years, based on departmental estimates and upon the requirements of the master plan, giving the recommendations of the commission for the advance planning, the acquisition of land, and the construction of capital improvement projects, and including in writing its reasons for the inclusion of any projects not submitted and for the disapproval of any submitted project. The mayor shall note in the proposed budget which he submits to the board of supervisors the recommendations of the planning commission on each capital improvement item contained therein. Any such item submitted by any officer, board or commission to the planning commission prior to the first day of September in any fiscal year shall be acted upon by the planning commission on or before the first day of December next following. Failure to act within this period shall be construed to be approval by the planning commission. Notwithstanding any other provisions of this charter, any such item disapproved by the planning commission can be approved in the annual budget by the board of supervisors. Nothing herein contained shall be construed to alter the budgetary powers of the mayor or the board of supervisors as defined in sections 69 and 72 of the charter.

#### Referral - Legislative Matters

SECTION 116.2. No ordinance, order or resolution, other than the annual appropriation ordinance, which authorizes the construction of any public building or structure, the vacation, acceptance or acquisition of any public street or other public lands, or which otherwise substantially affects the master plan as defined in section 116 of this charter shall be adopted by the board of supervisors unless and until such ordinance, order or resolution shall have first





been referred to the city planning commission for a report and recommendation concerning the relation of the matter involved to, and its effect upon, any portion of the master plan or any plans being prepared by said commission; provided, however, that such referral shall not be required in connection with the appropriation or expenditure of funds for studies, preliminary plans or the assembly of data required for the proper submission of departmental requests for any of the above types of action.

#### Action Upon Referrals

It shall be the duty of the planning commission to render its report and recommendations in writing to the board of supervisors and to the controller within thirty (30) days after the date of such referral unless a longer period be granted by the board of supervisors. When the report indicates approval of the ordinance, order or resolution, or upon failure of the commission to act within the time limit set, which failure shall be deemed to constitute approval thereof, the board of supervisors may then pass the ordinance, order or resolution. When the report of the planning commission indicates disapproval of an ordinance, order or resolution referred to it pursuant to this section, it shall not become legal or binding upon the city unless the board of supervisors thereafter approves said ordinance, order or resolution by the affirmative votes of not less than two-thirds of its entire membership.



Zoning - Present Provisions to Apply Pending Ordinance Revision

SECTION 117. Until such time as the board of supervisors shall enact a new comprehensive zoning ordinance based on a land use plan and defining and providing for variances, and until the effective date of such ordinance, this section of the charter shall continue in force, and until such time, Sections 117.1, <sup>and 117.3</sup> 117.2/shall be inoperative. Upon the enactment and effective date of such an ordinance this section of the charter shall become inoperative for any <sup>and 117.3</sup> purpose, and Sections 117.1, 117.2/shall become operative.

Zone Changes

The city planning commission, from time to time, shall consider and hold hearings on proposed changes in the classification of the use to which property in the city and county may be put, and the establishment or changing of building set-back lines, in either case, on its own motion or on the application of an interested property owner.

Hearings, etc.

The board of supervisors, by ordinance, shall establish procedure for action on such matters, which ordinance must provide, among other things, that the commission shall give notice of time, place and date of hearing by posting throughout the area and by publication not less than twenty days prior thereto; that the commission shall notify, in writing, not less than ten days prior to said hearing, applicants for proposed changes, and all persons whose names and addresses are shown on the assessment roll as owners of property within three hundred feet of all exterior boundaries of the area affected by the proposed changes of the time and the place of hearing, which names, addresses and other information shall be furnished by



the applicant in the form required by the commission; that the commission, after hearing shall, by resolution, approve or disapprove the proposed change which, if approved, shall not become effective for thirty days; that appeal may be taken from the ruling of the commission by filing written protest with the board of supervisors, and if such protest is subscribed by the owners of twenty per cent of the property affected, the supervisors shall fix a time and a place for hearing such objections which shall be not less than ten nor more than thirty days after such filing, and must decide thereon within ten days of the start of such hearing; that the supervisors, by not less than two-thirds vote, may disapprove the action of the commission, provided, however, that any change in zoning, classification or building set-back lines made by the commission on its own motion shall require approval of the supervisors by a two-thirds vote; that in case of disapproval by the commission or by the supervisors on appeal of a proposed change, such proposed change may not be resubmitted to or reconsidered by the commission for at least one year.

#### Legislative Referral

No ordinance shall be considered by the supervisors, the purpose or intent of which is the classification, regulation or control of the height, area, bulk, location or use of any building or buildings, or premise or premises, and classifying any property into any district or zone for such purposes, or establishing a set-back line or lines along any street or portion thereof in the city and county without being first submitted to the city planning commission for report and recommendation. If the commission disapprove any such ordinance, the supervisors may adopt the same only by an affirmative vote of at least two-thirds of its entire membership. The failure



of the commission to act within sixty days from and after the date of official submission of any proposed zoning classification or set-back line by the board of supervisors shall be deemed to be approval of such classification or proposed set-back line by the commission.

#### New Provisions for Zone Changes

SECTION 117.1. The city planning commission shall consider and hold hearings on proposed changes in the classification of the uses to which property in the city and county may be put, and the establishment or changing of building set-back lines, either on its own motion, or on the application of interested property owners or their authorized agents. The board of supervisors, by ordinance, shall establish procedure for action on such matters, which ordinance must provide the manner in which the commission shall give notice of time, place and date of such hearings. The city planning commission shall act upon such applications within thirty (30) days from the date same are filed and it shall not be necessary to hold more than one hearing upon any such application. If approved, such applications, together with the approval of the commission, shall be presented to the board of supervisors, which may adopt the change in said ordinance by a majority vote. If disapproved, the action of the city planning commission shall be final, except that appeal may be taken from the ruling of the commission by filing written protest with the board of supervisors, which may then adopt such change in said ordinance only by a two-thirds vote of all members.

#### New Provisions for Zoning Administration

SECTION 117.2. The city planning commission shall appoint, subject to the civil service provisions of this charter, a zoning administrator, who shall have the following powers and duties, subject





to the supervision and direction of the city planning commission as to matters of policy:

a) He shall administer and be responsible for the enforcement of all zoning and set-back ordinances;

b) He shall investigate all applications received from property owners or their authorized agents for proposed changes in the use classification of property or for the establishment or change of building set-back lines; and he shall be responsible for the collection and analysis of pertinent data and other relevant material required to provide the planning commission with complete information on such applications and shall submit his report and recommendations thereon to the director of planning and to the city planning commission before the hearing thereon.

Variances (New Procedure)

c) Subject to such rules and regulations as the board of supervisors may by ordinance prescribe he shall receive, investigate, hear and determine all applications for variances from the rules, regulations, restrictions and requirements of the zoning ordinances and shall have power to grant such variances as may be in harmony with the general purpose and intent of said ordinances and in accordance with the general and specific rules therein contained and subject to such conditions and safeguards as he may impose. He shall have authority to grant variances only when practical difficulties, unnecessary hardships or results inconsistent with the general purposes of the zoning regulations may result from the strict and literal interpretation and enforcement of the provisions thereof, and before any variance may be granted, there shall appear, and the zoning administrator shall specify in his findings, the facts in each case



which shall establish beyond a reasonable doubt:

(1) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to the property or class of uses in the same district or zone;

(2) That such variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner, possessed by other property in the same zone and vicinity;

(3) That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or district in which the property is located; and

(4) That the granting of such variance is in accord with the principles of the master plan.

#### New Provisions for Variances - Appeals

The determination of the zoning administrator shall be final except that appeals therefrom may be taken, as hereinafter provided, to the board of zoning appeals, exclusively and notwithstanding any other provision of this charter, by any person aggrieved or by an officer, board or commission of the city and county. Upon making a ruling or determination upon any matter under his jurisdiction, the zoning administrator shall furnish a copy thereof to the applicant, to the director of planning and to the city planning commission. No variance granted by the zoning administrator shall become effective until after an elapsed period of ten (10) days, during which time an appeal may be filed with the board of zoning appeals. An appeal stays all proceedings in furtherance of the action appealed from.



### Board of Appeals Established

SECTION 117.3. There is hereby created a board of zoning appeals, consisting of three members, who shall be appointed by the mayor, one of whom shall be a member of the city planning commission. The terms of the members of said board shall expire respectively at twelve o'clock noon on the 15th day of January in the first, second, and third years subsequent to the formation of said board. Thereafter, the term of each member shall be three years. The mayor shall fill by appointment all vacancies on the board, whether occurring during or at the expiration of the term.

The members of said board shall receive such compensation as the board of supervisors may from time to time fix and determine, and they shall be exempt from the civil service provisions of this charter.

### Board of Appeals - Power to Act on Variances

The board of zoning appeals shall have and exercise the following powers:

a) To hear and determine appeals where it is alleged there is error or abuse of discretion in any order, requirement, decision or determination made by the zoning administrator in the enforcement of the provisions of any ordinance adopted by the board of supervisors creating zoning districts or regulating the use of property in the city and county.

b) To hear and determine appeals from the rulings, decisions and determinations of the zoning administrator granting or denying applications for variances from any rule, regulation, restriction or requirement of the zoning ordinances, or any section thereof.

Upon the hearing of such appeals said board may affirm, change or modify the ruling, decision or determination appealed from, or,



in lieu thereof, make such other additional determination as it shall deem proper in the premises, subject to the same limitations as are placed upon the zoning administrator by this charter, or by ordinance.

The board of supervisors shall prescribe by ordinance rules and regulations providing for the time, manner, method and procedure for the taking and hearing of such appeals; provided, however, that the said board of zoning appeals may adopt such other and additional rules as it may deem necessary to carry out the rules and regulations prescribed by ordinance and which are not in conflict or inconsistent therewith. All said rules and regulations shall be kept posted in the office of the board and <sup>a</sup>copy thereof furnished to any applicant. At least two members shall sit at all hearings, and the concurring vote of at least two members shall be necessary in the determination of any appeal.

Actions Pending to be Completed Under Section 117

All matters of the type referred to in the sections hereof relating to the zoning administrator or the board of appeals which may be pending on the effective date hereof before the city planning commission or the board of supervisors shall not be affected by any of the provisions hereof relating to the zoning administrator or the board of zoning appeals, and in regard to all such pending matters, the city planning commission and the board of supervisors shall continue until the final determination thereof before both the commission and the board to exercise the powers and duties provided by both the charter and ordinances immediately prior to the effective date hereof.





Subdivisions

SECTION 118. All plats or replats of subdivisions of land laid out in building lots, and the project plans for public and private housing, slum clearance and the rehabilitation and redevelopment of blighted areas, including the streets, alleys or other lands intended to be dedicated to public use or for the use of lessees, purchasers or owners of lots fronting thereon or adjacent thereto, and located within the city and county limits, shall be submitted in tentative and in final form to the city planning commission which shall report its recommendations thereon in writing to the agency responsible therefore, as provided by ordinance. The report to the board of supervisors on any final subdivision map, public or private housing or redevelopment project plan shall include a copy of the report and recommendations of the city planning commission.





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